

SENATE FILE NO. SF0076

Civil trespass to collect data-amendments.

Sponsored by: Senator(s) Hicks, Burns, Christensen and Kinskey and Representative(s) Allen, Greear, Laursen, Lindholm, Sommers and Winters

A BILL

for

1 AN ACT relating to trade and commerce; amending provisions
2 related to the civil causes of action for trespass to
3 unlawfully collect resource data and unlawful collection of
4 resource data; providing definitions; repealing a
5 duplicative provision; and providing for an effective date.

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7 *Be It Enacted by the Legislature of the State of Wyoming:*

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9 **Section 1.** W.S. 40-27-101(a)(i), (ii)(A), (B), (b)
10 and by creating a new subsection (g) is amended to read:

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12 **40-27-101. Trespass to unlawfully collect resource**
13 **data; unlawful collection of resource data.**

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1 (a) A person commits a civil trespass to unlawfully
2 collect resource data if he:

3

4 (i) Enters onto ~~open~~ or crosses private land for
5 the purpose of collecting resource data; and

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7 (ii) Does not have:

8

9 (A) An ownership interest in the real
10 property or statutory, contractual or other legal
11 authorization to enter or ~~access~~ cross the private land to
12 collect the specified resource data; or

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14 (B) Written or verbal permission of the
15 owner, lessee or agent of the owner to enter or ~~access~~
16 cross the private land to collect the specified resource
17 data.

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19 (b) A person commits a civil trespass of unlawfully
20 collecting resource data if he enters onto or crosses
21 private ~~open~~ land and collects resource data without:

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1 (i) An ownership interest in the real property
2 or, statutory, contractual or other legal authorization to
3 enter or cross the private land to collect the specified
4 resource data; or

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6 (ii) Written or verbal permission of the owner,
7 lessee or agent of the owner to enter or cross the private
8 land to collect the specified resource data.

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10 (g) As used in this section:

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12 (i) "Collect" means to take a sample of
13 material, acquire, gather, photograph or otherwise preserve
14 information in any form from private land, including the
15 recording of a legal description or geographical
16 coordinates of the location of the collection, and which is
17 submitted or intended to be submitted to any agency of the
18 state or federal government;

19
20 (ii) "Peace officer" means as defined by W.S.
21 7-2-101;

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1 (iii) "Resource data" means data relating to
2 private land or private land use, including but not limited
3 to data regarding agriculture, minerals, geology, history,
4 cultural artifacts, archeology, air, water, soil,
5 conservation, habitat, vegetation or animal species.

6 "Resource data" does not include data:

7
8 (A) For surveying to determine property
9 boundaries or the location of survey monuments;

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11 (B) Used by a state or local governmental
12 entity to assess property values;

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14 (C) Collected or intended to be collected
15 by a peace officer while engaged in the lawful performance
16 of his official duties.

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18 **Section 2.** W.S. 40-27-101(e) is repealed.
19

1 **Section 3.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)